

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2029

Wednesday, July 19, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Boyle, 2nd Vice
Chairman
Carnes,
Chairman
Doherty, 1st Vice
Chairman
Gray, Secretary
Horner
Ledford
Midget, Mayor's
Designee
Selph

Members Absent

Pace
Taylor

Staff Present

Gardner
Hester
Jones
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, July 14, 1995 at 1:18 p.m., in the office of the County Clerk at 1:08, as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:34 p.m.

Minutes:

Approval of the minutes of July 5, 1995, Meeting No. 2027:

On **MOTION** of, **BOYLE** the TMAPC voted **6-0-2** (Boyle, Carnes, Doherty, Gray, Horner, Selph "aye"; no "nays"; Ballard, Ledford "abstaining"; Midget, Pace, Taylor "absent") to **APPROVE** the minutes of the meeting of July 5, 1995 Meeting No. 2027.

REPORTS:

Committee Reports:

Rules and Regulations Committee

Mr. Doherty announced that the TMAPC work session will be held today at the conclusion of the regularly scheduled Planning Commission meeting.

SUBDIVISIONS:

CONTINUED LOT-SPLIT FOR WAIVER:

L-18077 (Zirkle)(1893)

(PD-6)(CD-9)

Northwest corner of East 30th Street South and South Yorktown Avenue

Technical Advisory Committee Recommendation

Jones presented the request with Roy Johnsen present at the TAC meeting.

It is proposed to reconfigure two adjacent lots (Lot 6 of the Resubdivision of Block 10, and Lot 5 of the Resubdivision of Lots 3, 4 and 5 of the Resubdivision of Block 10, Forest Hills Addition to the City of Tulsa) into four lots. All of the proposed tracts meet the bulk and area requirements for the *RS-1* District. Water and sewer access is available to all tracts either from East 30th Street South or from Yorktown Avenue. However, the proposed Tract 2 will have more than three side lot lines and therefore does not comply with Tulsa Subdivision Regulations. Applicant is requesting a waiver of this requirement.

Herbert noted as an advisory condition that the grading and drainage of Lot 4 be done in such a manner that water runoff from Lot 3 can be received and passed onto East 30th Street South.

Pierce recommended a 5' utility easement along the east side of Lot 2.

On the **MOTION** of **NELSON**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **WAIVER OF THE SUBDIVISION REGULATIONS**, subject to the utility easement being filed of record.

Staff Comments

A residential dwelling currently exists on the property and is situated across the lot lines of the eastern three proposed lots. Since the existing dwelling would violate the yard requirements, Staff would suggest that lot-split approval be made contingent upon demolition of the structure.

Applicant's Comments

Roy Johnsen, attorney for the applicant, gave a description of the zoning surrounding the subject tract and he pointed out the diversity of zoning in the area. He informed that the applicant intends to create four lots and raze the existing house. The applicant plans to construct a house on one of the lots and sell the remaining three. Mr. Johnsen declared that all the newly-created lots would exceed RS-1 standards, with lot one measuring 24,893 SF, lot two 24,906 SF, lot three 16,409 SF and lot four 18,879 SF. He revealed that there are numerous lots within a short distance of the subject property that are smaller than the smallest lot that would be created by the lot-split.

Interested Parties

Kevin Coutant

320 South Boston, Suite 500 74103

Mr. Coutant, attorney for George and Eunice Nolley whose property abuts the subject property, presented a petition signed by residents opposed to the lot-split. He gave a detailed presentation describing the existing homes in the area. Mr. Coutant distributed exhibits to the Planning Commission and referred to a sampling of photographs of the neighborhood depicting a park-like atmosphere. He disclosed that the average lots in the area and to the north are in excess of 35,000 SF. Mr. Coutant presented a map depicting residents opposed to the lot-split. He declared that the pattern for the neighborhood has already been established and the application is inappropriate. Mr. Coutant commented on the fact that if this lot-split is approved it will divide the existing house, creating a zoning code violation. He commented on the inconsistency of density the lot-split would create. Mr. Coutant reported on current problems being experienced with stormwater runoff and concerns that the proposed development will increase those problems.

Responding to inquiry from Mr. Boyle, Mr. Linker advised that it is his opinion that the Planning Commission can make conditional approval subject to removal of the structure. He explained that this would be appropriate because the deed would not be released so long as the house is present and violating the zoning. Mr. Linker informed that in considering a waiver, the Planning Commission should consider the subject they are being requested to modify and determine if that causes harm. In this instance it would be the jog in the property line, and if the Planning Commission determines that causes a problem and is inappropriate, they can deny the lot-split on that basis. He cautioned against considering only that the lots are not large enough and denying it on only that basis.

Lee Levinson

5310 East 31st, suite 900 74135

Mr. Levinson, attorney representing Francis Sellers, whose property is immediately west of the subject tract, as well as Barbara and Roy Clark, whose property is north of the tract, expressed opposition to the lot-split due to the adverse change to the neighborhood. He declared that the lot-split would transform a historic part of Tulsa into a more modern area. Mr. Levinson asked that the integrity of the neighborhood be protected.

Robert Poe

2131 East 29th Street 74114

Mr. Poe questioned whether or not the lot-split would conform to the character of the neighborhood. He asked the Planning Commission to consider the impact this request would have on the neighborhood. Mr. Poe presented statistics on the average lot size in the area, indicating that most lots have 150' or more of frontage.

Bruce Kenney

2246 East 26th Street 74114

Mr. Kenney, who is also representing Roy and Barbara Clark, read a letter written by the Clarks expressing opposition to the proposal. The letter stated that before purchasing their property they understood that the area was protected from dense development. They feel that the lot-split would be at odds with the manner of development of the area intended by Mr. Titus and the original planners of this neighborhood, and would be detrimental to the area.

Rudolf Kleiber

2210 Forest Boulevard 74114

Mr. Kleiber expressed opposition to the lot-split. He cited instances of individuals bringing visitors through the neighborhood to view the historic homes in the area. Mr. Kleiber informed that the lot-split will be out of character for the neighborhood.

Larry Johnson 2535 East 30th Place 74114
Mr. Johnson declared that this neighborhood is a showcase for Tulsa. He disclosed damage incurred from other lot-splits in the area. Mr. Johnson implored the Planning Commission to not allow infill development in historical areas of Tulsa or they will become as downtown Tulsa.

Nancy L. Stookey 1910 East 30th Street 74114
Ms. Stookey resides directly across from the subject tract. She revealed problems experienced in the area from stormwater runoff and expressed concern that additional development will cause the situation to worsen.

Jorja Johnson 1782 East 30th Street 74114
Ms. Johnson, who resides south of the proposed lot-split, informed of problems incurred from the previous lot-split, to the east of her property. She informed that her property is being encroached upon. Ms. Johnson informed of traffic hazards in the area and questioned the safety of locating two driveways on the subject tract.

Larry Pinkerton 15 East 5th Street, Suite 2000
Mr. Pinkerton, attorney for Nancy Stookey, presented photographs and newspaper articles of Ms. Stookey's property regarding the unique quality of this neighborhood. He referred to a map depicting individuals opposing the lot-split. Mr. Pinkerton presented additional letters of opposition. He declared that the lot-split should be denied because procedures were not followed as required by Subdivision Regulations.

Rex J. & Jeanne Williams	2130 East 30th Place 74114
Beverly Williams	2172 East 26th Place 74114
Margaret S. Wireck	2829 South Victor 74114
Margery F. Bird	2145 East 29th 74114
George & Eunice Nolley	2916 South Yorktown 74114
Mary Beth Sellees	1817 East 30th 74114
Gordon & Sybil Tyler	2135 East 30th Place 74114
Jill Pinkerton	3030 South Wheeling 74114
Janna Watkin	3030 South Yorktown 74114
Alice Rosegen	1803 East 27th Street 74114
Lee Levinson	6711 South Gary 74136
Jerry Swanson	3021 South Wheeling 74114
George F. Bashaw	2207 East 29th 74114
Ann Swanson	3021 South Wheeling 74114
James & Jorja Johnson	1782 East 30th Street 74114
Elizabeth Glasgow	2620 South Yorktown 74114
Florence Caraway	2110 East 30th 74114
Marjorie Huglier	2840 South Victor 74114
Pat Breckinridge	1729 East 29th 74114
Barbara Wilson	2802 South Yorktown 74114
Judith Blue	2138 East 30th Place 74114
Charles Garrison	1734 East 30th 74114

The above-listed individuals were present opposing the lot-split.

Applicant's Rebuttal

Mr. Johnsen noted that according to the map presented there were several property owners who did not sign the protest petition. He informed that the applicant had thirteen to fourteen property owners' signatures on a petition of support. Mr. Johnsen pointed out that if the lots to the south were included when computing average lot sizes, the subject property will be above average. He reminded the Planning Commission that each newly-created lot will exceed RS-1 standards. Mr. Johnsen disclosed that the waiver being sought is the limitation of having more than three side lots. He noted that the waiver has nothing to do with lot size, lot width, number of lots or dwelling units. Mr. Johnsen pointed out that the lot with the jog creating more than three side lots is the largest lot and does not create an unusable rear yard. There is no poor orientation to a neighboring property and there is ample depth to set the houses back sufficiently. He declared that similar-sized lots that have been built in recent times in older areas have not caused any diminution of value, loss of neighborhood pride or stability of the neighborhood.

TMAPC Review

Chairman Carnes acknowledged receipt of the letters received from area residents expressing opposition to the subject lot-split.

Responding to inquiry from Commissioner Selph regarding Mr. Pinkerton's comment on improper notification, Mr. Stump informed that lot-split notification is to abutting property owners or properties separated only by a residential street. Mr. Stump confirmed that those properties were mailed notification.

After discussion, it was the consensus of the Planning Commission that the waiver of the Subdivision Regulations would be injurious to the neighborhood and they agreed on the importance of preserving the integrity and charm of older neighborhoods such as this. The Planning Commission encouraged the neighborhood to pursue RE zoning to protect their neighborhood from infill development such as this.

TMAPC Action; 7 members present:

On MOTION of SELPH, the TMAPC voted 7-0-0 (Horner, Carnes, Doherty, Gray, Ledford, Midget, ^{Selph} Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Selph, ^{Pace} Taylor "absent") to DENY the WAIVER of Subdivision Regulations for L-18077.

* * * * *

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-18086 Carroll W. Joplin (824)</u> 12526 E. 176th St. N.	(PD-14)(County) AG
<u>L-18109 Barbara Merrell (City of Tulsa)(1282)</u> 7527 S. Elwood Ave.	(PD-8)(CD-2) AG
<u>L-18110 H.W. Allen Co. (City of Tulsa)(2094)</u> 3115 S. Garnett Rd.	(PD-17)(CD-6) CS
<u>L-18111 Roger Hardesty (City of Tulsa)(1583)</u> 8205 S. Yale Ave.	(PD-18b)(CD-6) CS
<u>L-18112 Castle Trust (City of Tulsa)(2903)</u> 1800 N. Harvard Ave.	(PD-3)(CD-3) RM-1
<u>L-18113 Claude & Alma Davis (City of Tulsa)(2903)</u> 2010 N. Harvard Ave.	(PD-3)(CD-3) RM-1
<u>L-18114 Phil Ruffin (K. Cox)(2393)</u> 3701 S. Sheridan Rd.	(PD-6)(CD-5) IL

Staff Comments

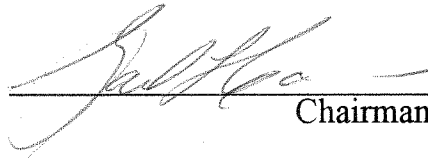
Mr. Stump announced that Staff has found the above-listed lot-splits to be in conformance with the lot-split requirements.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Ballard, Boyle, Horner, Carnes, Doherty, Gray, Ledford, Selph "aye"; no "nays"; none "abstaining"; Midget, Pace, Taylor "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations.

There being no further business, the Chairman declared the meeting adjourned at 3:30 p.m.

Date Approved: 8-2-95


Chairman

ATTEST:


Secretary